APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/756,939	01/09/2001	John W. Cole	FIS920000168US1	6746

29505	7590	11/19/2003

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EXAMINER
PHILLIPS, HASSAN A

ART UNIT	PAPER NUMBER
2153	5

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/756,939	COLE, JOHN W.
	Examiner	Art Unit
	Hassan Phillips	2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-15_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-15_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _09 January 2001_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5)

because they include the following reference sign(s) not mentioned in the description:

reference sign 94, in Fig. 2, and reference sign 120 in Fig. 3. A proposed drawing

correction, corrected drawings, or amendment to the specification to add the reference

sign(s) in the description, are required in reply to the Office action to avoid

abandonment of the application. The objection to the drawings will not be held in

abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-15, are rejected under 35 U.S.C. 103(a) as being unpatentable over

Vahalia et al. U.S. Patent No. 6,298,386, and further in view of IBM Technical

Disclosure Bulletin Vol. 40, No. 5, May 1997.

Vahalia et al discloses a method of transferring incoming concurrent sets of data

from sending transport systems to requesting transport systems comprising the steps

of:

    a) retrieving messages (sets of data), (col. 18, lines 44–46);

    b) transferring sets of data to a receiving queue (col. 19, lines 62-65);

    c) queuing messages (sets of data) in a receiving queue by dividing the messages into words (blocks of data), storing words in available storage locations, and having associated data by using indexes to associate the words with a corresponding storage location (col. 18, lines 61-67, and col. 19, lines 1-10);

    d) sending the sets of data by transmitting the associated data in the storage locations to a requesting transport system, and indicating that the storage location is available for storing other blocks of data (col. 19, lines 23-33).

Although the disclosed method of Vahalia et al. shows substantial features of the claimed invention, it fails to explicitly disclose:

    a) querying a receiving queue for available data storage locations, and signaling a process to transfer data to the storage locations.

Nevertheless, in a similar field of endeavor, an IBM Technical Disclosure Bulletin discloses a queueing mechanism for bi-processor communication comprising:

    a) querying memory for available storage locations (pg. 171, second bullet);

    b) signaling a process to transfer data to the storage locations (pg. 171, second bullet).

With the knowledge of a method such as disclosed by the IBM Technical Disclosure Bulletin, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Vahalia et al. (col. 19, lines 62-

63), by employing a means for querying memory for available storage locations before allocating memory. The motivation to do so would have been to verify that there are enough storage locations, for the data being allocated, to avoid the data being rejected for storage, or worse case, the data being lost.

Therefore, the claimed inventions (claims 1, 5, 10, 11, 13, 15) would have been an obvious modification of the methods disclosed by Vahalia et al. in view of the IBM Technical Disclosure Bulletin.

In considering claims 2 and 7, see Vahalia et al., col. 1, lines 43-45. Also, see Fig. 18.

In considering claims 3 and 8, see Vahalia et al., col. 15, lines 7-13.

In considering claims 4 and 9, see Vahalia et al., col. 15, lines 7-10, and 24-26.

In considering claim 6, see Vahalia et al., col. 19, lines 23-28.

In considering claim 12, see Vahalia et al., col. 19, lines 13-28. It is inherent that, indicating to the requesting transport system sets of data are ready for sending, is done by the code thread checking whether or not the collector queue is empty.

In considering claim 14, see Vahalia et al., col. 7, lines 15-18.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Vahalia et al. U.S. Patent No. 6,298,386 discloses a queue for transferring concurrent sets of data.
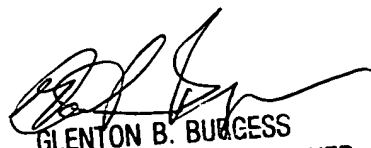
IBM Technical Disclosure Bulletin Vol. 40, No. 05, May 1997 discloses a queueing mechanism for bi-processor communication.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (703) 305-8760. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

HP/

11/10/03

GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100